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08 MAR 20 PM 4:01

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

Douglas J. Rovens (State Bar # 106582)  
*drovens@ssd.com*  
Jeffrey S. Renzi (State Bar # 221963)  
*jrenzi@ssd.com*  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
555 S. Flower St., 31st Floor  
Los Angeles, CA 90071  
Telephone: (213) 624-2500  
Facsimile: (213) 623-4581

Attorneys for Defendant and Counterclaimant  
4ACCESS COMMUNICATIONS COMPANY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**VIA FAX**

**'08 CV 525 H LSP**

Case No. - -

**DEFENDANT 4ACCESS  
COMMUNICATIONS COMPANY'S  
NOTICE OF REMOVAL**

*[Declaration of Joseph E. Heery filed  
concurrently herewith]*

**REMOVED FROM:**

San Diego Superior Court  
Case No. 37-2008-00075299-CV-WT-CTL

VAL POPESCU, an individual;  
  
Plaintiff,  
  
vs.  
  
4ACCESS COMMUNICATIONS  
COMPANY, a Delaware corporation, and  
DOES 1 through 10, inclusive,  
  
Defendants.

CR

1 TO: Clerk of Courts

2 United States District Court for the Southern District of California

3 PLEASE TAKE NOTICE THAT:

4 Defendant 4Access Communications Company, files this Notice of Removal pursuant to  
5 28 U.S.C. § 1446(a), based on this Court's original jurisdiction over this action under 28 U.S.C. §  
6 1332.

7 I.

8 **INTRODUCTION**

9 1. On January 9, 2008, plaintiff Val Popescu ("Plaintiff") filed a complaint in the  
10 Superior Court of the State of California for the County of San Diego, Case No. 37-2008-  
11 00075299-CU-WT-CTL (the "Complaint") and named 4Access Communications Co.  
12 ("4Access") as the defendant. The Complaint set forth claims for breach of contract, labor  
13 supplied, wage and hours violations, and wrongful discharge in violation of public policy. A true  
14 and correct copy of the Summons and Complaint are attached hereto as Exhibit "A."

15 2. 4Access was served with the Complaint on February 21, 2008 (Declaration of  
16 Joseph E. Heery ("Heery Decl."), ¶ 4.). Therefore, this Notice of Removal is timely pursuant to  
17 28 U.S.C. § 1446(b).

18 II.

19 **BASIS FOR REMOVAL**

20 3. Removal is proper based on diversity jurisdiction under 28 U.S.C. § 1332 because:

21 a. The amount in controversy exceeds the sum or value of \$75,000.00,  
22 exclusive of interest and costs because the Complaint alleges at least  
23 \$137,583.16 in damages. (Complaint at 8:27-28).

24 b. The matter in controversy is between citizens of different states as follows:

25 i. Plaintiff alleges in the Complaint that he is an individual who  
26 resides in San Diego County, California. (Complaint at 2:25-26).

27 ii. 4Access is a Delaware corporation with its designated main office  
28 in Illinois, and its principal place of business for diversity purposes

1 is Illinois. (See Heery Decl., ¶¶ 2, 3). The major portion of its  
 2 business activity takes place in Illinois, and 4Access does not  
 3 conduct regular business in California. (Heery Decl., ¶ 3). Thus,  
 4 under the "nerve center" test or the "place of operations" test,  
 5 4Access's principal place of business for purposes of diversity is  
 6 not California. See *Industrial Tectronics, Inc. v. Aero Alloy*, 912  
 7 F.2d 1090, 1092-93 (9th Cir. 1990).

8 4. Exhibits "A" and "B" attached to this notice constitute all of the pleadings,  
 9 process, orders, and other filings in the state court action, as required by 28 U.S.C. § 1446(a).

10 5. Venue is proper in this district and division under 28 U.S.C. § 1446(a) because this  
 11 district and division embrace the place where the removed action is pending.

12 6. Written notice of filing of this Notice of Removal will be given to Plaintiff  
 13 promptly after the filing of this Notice, and a copy will be filed with the Superior Court of  
 14 California, San Diego County, Central Division promptly after filing this Notice.

### 15 III.

### 16 CONCLUSION

17 7. For these reasons, Defendant 4Access Communications Company hereby gives  
 18 notice that the action currently pending against it in the Superior Court of California, San Diego  
 19 County, Central Division is hereby removed to the United States District Court for the Southern  
 20 District of California.

21 Dated: March 20, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

22 By: 

Douglas J. Rovens  
 Jeffrey S. Renzi

23 Attorneys for Defendant  
 24 4ACCESS COMMUNICATIONS COMPANY  
 25  
 26

27 LOSANGELES/260927.2  
 28

EXHIBIT A

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

4Access Communications Company, a Delaware corporation; and Does 1 through 10, Inclusive

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Val Popescu

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

2008 JAN -9 AM 11:16

SAN DIEGO COUNTY, CA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO  
330 West Broadway, San Diego, CA, CA 92101

CASE NUMBER:

(Número) 22-0000-00075299-CU-WT-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Gregory P. Goonan (Bar # 119821)

Phone No.: (619) 702-4335

The Affinity Law Group APC

Fax No.: (619) 243-0088

600 West Broadway, Suite 400, San Diego, CA 92101

DATE:

(Fecha) JAN 09 2008

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

## NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

- |  |   |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation)         | <input type="checkbox"/> CCP 416.60 (minor)             |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee)       |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify):                        |   |

- ☐ by personal delivery on (date):

(SEAL)

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): <b>Gregory P. Goonan (State Bar # 9821)</b> <b>The Affinity Law Group APC</b> <b>600 West Broadway, Suite 400, San Diego, CA 92101</b> TELEPHONE NO.: (619) 702-4335 FAX NO.: (619) 243-0088 ATTORNEY FOR (Name): <b>Plaintiff Val Popescu</b>		FOR COURT USE ONLY  <div style="border: 1px solid black; padding: 5px; text-align: center;">             2008 JAN -9 AM 11:16              SAN DIEGO COUNTY, CA           </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>SAN DIEGO</b> STREET ADDRESS: <b>330 West Broadway</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Diego, CA 92101</b> BRANCH NAME: <b>Central</b>		CASE NUMBER: <div style="border: 1px solid black; padding: 2px; text-align: center;"> <b>37-2008-00075299-CU-WT-CTL</b> </div> JUDGE:  DEPT:
CASE NAME: <div style="border: 1px solid black; padding: 2px; text-align: center;"> <b>Popescu v. 4Access Communications</b> </div>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |   |  |   |
|---|--|---|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input checked="" type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation</b><br>(Cal. Rules of Court, rules 3.400-3.403)<br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties<br>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve<br>c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses<br>e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court<br>f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary     b. ☐ nonmonetary; declaratory or injunctive relief     c. ☒ punitive
4. Number of causes of action (specify): **FOUR (4)**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015)

Date: January 9, 2008

Gregory P. Goonan

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

1 Gregory P. Goonan (Cal. Bar #119821)  
2 **The Affinity Law Group APC**  
3 600 West Broadway, Suite 400  
4 San Diego, CA 92101  
5 Tel: 619-702-4335  
6 Fax: 619-243-0088

7 Attorneys for Plaintiff  
8 VAL POPESCU

CELESTINE  
JAN 9 2008  
SAN DIEGO COUNTY, CA

2008 JAN -9 AM 11:16

SAN DIEGO COUNTY, CA

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF SAN DIEGO**

12 VAL POPESCU, an individual;

13 Plaintiff,

14 vs.

15 4ACCESS COMMUNICATIONS  
16 COMPANY, a Delaware corporation, and  
17 DOES 1 through 10, Inclusive

18 Defendants.

Case No. 37-2008-00075299-CU-WT-CTL

19 **COMPLAINT FOR:**

- 20 1. BREACH OF CONTRACT
- 21 2. LABOR SUPPLIED
- 22 3. WAGE AND HOUR VIOLATIONS
- 23 4. WRONGFUL DISCHARGE IN
- 24 VIOLATION OF PUBLIC
- 25 POLICY

26 **JURY TRIAL DEMANDED**

27 Plaintiff Val Popescu ("POPESCU") complains against Defendant 4ACCESS  
28 COMMUNICATIONS COMPANY, a Delaware corporation ("4ACCESS") and DOES 1-10  
inclusive, and each of them, as follows:

**NATURE OF THE ACTION AND RELIEF SOUGHT**

1. This is an action for breach of contract, labor supplied, wage and hour violations,  
and wrongful discharge in violation of public policy arising because defendant 4ACCESS has  
failed and refused to pay POPESCU wages and compensation which he is entitled to receive for



1 work he performed as an employee of 4ACCESS, and because 4ACCESS terminated POPESCU  
2 in violation of the public policy of the State of California in retaliation for his filing of an earlier  
3 lawsuit to collect past due wages.

4 2. As explained more herein, from March 1, 2004 through January 10, 2007,  
5 POPESCU was employed by 4ACCESS as an at-will employee pursuant to a written employment  
6 offer made to POPESCU by 4ACCESS.

7 3. Even though POPESCU performed all of his job functions at all relevant times as  
8 requested and demanded by 4ACCESS, 4ACCESS has failed and refused to pay POPESCU the  
9 wages and compensation to which he is entitled for his work despite repeated demands by  
10 POPESCU for payment.

11 4. On November 2, 2006, POPESCU filed a lawsuit against 4ACCESS to recover  
12 compensation, wages and payments that 4ACCESS owed to POPESCU pursuant to a written  
13 employment contract that was in existence between POPESCU and 4ACCESS prior to March 4,  
14 2004. 4ACCESS, without reason or justification, terminated POPESCU's employment in  
15 retaliation for the filing of such earlier lawsuit.

16 5. The wrongful actions of 4ACCESS as summarized above and described in more  
17 detail herein constitute a breach of contract, failure to pay for labor provided, and a violation of  
18 the wage and hour laws of the State of California. 4ACCESS's termination of POPESCU was  
19 done in violation of the fundamental public policy of the State of California.

20 6. By this action, POPESCU seeks to recover compensatory damages and punitive  
21 damages for the harm and injuries he has suffered because of 4ACCESS's wrongful acts, as well  
22 as appropriate statutory penalties and an award of attorneys' fees and costs to the maximum extent  
23 permitted by law.

#### 24 THE PARTIES AND VENUE

25 7. Plaintiff POPESCU is an individual who resided in San Diego, California within  
26 this judicial district at all relevant times.

27 8. Defendant 4ACCESS is a Delaware corporation who at all relevant times  
28 maintained a principal place of business at 12707 High Bluff Drive, San Diego, California within



1 this judicial district.

2 9. The true names and capacities, whether individual, corporate, associate, or  
3 otherwise, of DOES 1-10, inclusive, and each of them, are unknown to POPESCU who therefore  
4 sues these defendants by such fictitious names. POPESCU asserts that each of the defendants  
5 designated herein as a Doe is responsible in some manner for the events and happenings referred  
6 to herein and caused injuries and damages proximately thereby and thereto to POPESCU, who  
7 therefore sues defendants by such fictitious names. POPESCU will seek leave of court to amend  
8 this Complaint to allege the true names and capacities of the Does when the same have been  
9 ascertained.

10 10. POPESCU is informed and believes, and upon such information and believe  
11 alleges, that at all times relevant to this action, each of the defendants, including Does 1-10,  
12 inclusive, were responsible for the acts and omissions alleged in this complaint, and that  
13 POPESCU's damages, both existing and prospective, are, were and will be proximately caused by  
14 the acts and omissions of the defendants, including Does 1-10.

15 11. POPESCU is informed and believes, and upon such information and belief alleges,  
16 that each defendant, including Does 1-10, inclusive, was at all relevant times acting as the agent,  
17 servant, contractor, employee, principal, employer and/or co-conspirator of each remaining  
18 defendant and, in doing the things alleged herein, was acting within the course and scope of such  
19 agency, servitude and employment, and/or in furtherance of such conspiracy, and with the  
20 knowledge, consent and ratification of each co-defendant. At all relevant times, the officers,  
21 directors and/or managing agents authorized or ratified the wrongful acts alleged herein, and/or  
22 were personally responsible for these acts.

23 12. The defendants, and each of them, were and are engaged in a conspiracy pursuant  
24 to which they have agreed among themselves to commit wrongful acts and together have  
25 perpetrated the plan, scheme and acts alleged herein. All of the defendants, with knowledge and  
26 substantial assistance to one another, have aided and abetted each other in the conduct of their  
27 illicit conspiracy.

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1 employee with an annual salary of \$175,000.00. The salary to be paid by 4ACCESS to  
2 POPESCU, and the terms and conditions of POPESCU's employment by 4ACCESS, were  
3 established by a written employment offer made by 4ACCESS to POPESCU prior to the  
4 commencement of his employment.

5 19. POPESCU at all relevant times performed the services required and demanded by  
6 4ACCESS.

7 20. 4ACCESS failed and refused, and continues to fail and refuse, to pay POPESCU  
8 the wages and compensation he earned and which he was entitled to be paid even though  
9 POPESCU has made repeated demand on 4ACCESS for payment.

10 21. On November 2, 2006, POPESCU filed a complaint seeking to recover unpaid  
11 compensation which he was entitled to be paid pursuant to a written employment contract between  
12 POPESCU and 4ACCESS prior to March 4, 2004.

13 22. In response to, and as a direct and proximate result of POPESCU's filing of such  
14 complaint, 4ACCESS terminated POPESCU's employment on January 10, 2007.

15 23. POPESCU is presently owed back wages of at least \$137,583.16, plus interest at  
16 the maximum legally permissible rate, for work performed on an at-will basis between February  
17 28, 2004 and the date of his termination on January 10, 2007.

18 24. POPESCU also is entitled to all applicable fines and penalties to be assessed under  
19 common law and/or statute, subject to proof at time of trial. POPESCU has been forced to retain  
20 counsel to bring this action and enforce his rights and consequently is entitled to an award of  
21 attorneys' fees to the maximum extent permitted by law.

## 22 FIRST CAUSE OF ACTION

### 23 (Breach of Contract)

24 25. POPESCU realleges and incorporates herein by this reference each and every  
25 allegation in paragraphs 1 through 24, inclusive, of this complaint as if fully set forth herein.

26 26. As alleged herein, from March 1, 2004 through January 10, 2007, an employment  
27 contract existed between POPESCU and 4ACCESS.

1           27. Pursuant to the employment contract between POPESCU and 4ACCESS,  
2 POPESCU was employed by 4ACCESS as an at-will employee. Pursuant to such contract,  
3 POPESCU agreed to provide work, labor and services to 4ACCESS, and 4ACCESS agreed to  
4 compensate POPESCU for such work, labor and services at the rate of \$175,000.00 per year.

5           28. 4ACCESS has failed and refused to pay POPESCU the wages and compensation he  
6 is entitled to be paid for the labor, work and services he provided to and performed for 4ACCESS,  
7 and continues to fail and refuse to make such payment to POPESCU.

8           29. 4ACCESS has breached the contract with POPESCU alleged herein by failing and  
9 refusing to pay POPESCU all sums due and owing to POPESCU for the work, labor and services  
10 he provided to 4ACCESS.

11           30. POPESCU has at all times performed all duties and obligations required of  
12 pursuant to his contract with 4ACCESS, except for those duties and obligations that have been  
13 excused and/or negated by action or law.

14           31. As a direct and proximate result of 4ACCESS's breach of contract as alleged  
15 herein, POPESCU has suffered monetary damages of at least \$137,583.16, in an amount to be  
16 proven at trial.

17           32. POPESCU is entitled to an award of pre-judgment and post-judgment interest to  
18 the maximum extent permitted by law.

19  
20                                   **SECOND CAUSE OF ACTION**

21                                   **(Labor Supplied)**

22           33. POPESCU realleges and incorporates herein by this reference each and every  
23 allegation in paragraphs 1 through 32, inclusive, of this complaint as if fully set forth herein.

24           34. Within four years past, prior to the commencement of this action, 4ACCESS  
25 became indebted to POPESCU for at least \$137,583.16 in wages and compensation earned from  
26 and due and payable by 4ACCESS.

27           35. Neither the whole nor any part of the above amount has been paid, although  
28 demand has been made. Therefore, there is now due and owing from 4ACCESS to POPESCU the

1 amount of at least \$137,583.16, which amount shall be proven at trial, along with prejudgment  
2 interest at the maximum legally permissible rate from the date these wages were earned.

### 3 THIRD CAUSE OF ACTION

#### 4 (California Labor Code Section 201 et seq – Failure to Pay Wages)

5 36. POPESCU realleges and incorporates herein by this reference each and every  
6 allegation in paragraphs 1 through 35, inclusive, of this complaint as if fully set forth herein.

7 37. As alleged herein, 4ACCESS failed to pay POPESCU wages, compensation and  
8 payments that were due to POPESCU during the time he worked for 4ACCESS and at the time of  
9 the termination of POPESCU's employment.

10 38. In failing to make the payments due to POPESCU as alleged herein, 4ACCESS has  
11 violated Section 201 of the California Labor Code.

12 39. 4ACCESS knowingly, willfully and intentionally has failed and refused to make  
13 the payments owed to POPESCU as alleged herein.

14 40. As a result of the violation of Section 201 of the California Labor Code as alleged  
15 herein, POPESCU has suffered, and continues to suffer, damages in an amount of at least  
16 \$137,583.16, in an amount according to proof at trial. POPESCU also is entitled to statutory  
17 penalties, costs, interest and attorneys' fees pursuant to Sections 203, 218.5 and 218.6 of the  
18 California Labor Code.

### 19 FOURTH CAUSE OF ACTION

#### 20 (Wrongful Discharge In Violation of Public Policy)

21 41. POPESCU realleges and incorporates herein by this reference each and every  
22 allegation in paragraphs 1 through 40, inclusive, of this complaint as if fully set forth herein.

23 42. As alleged herein, Popescu was an employee of 4ACCESS from March 1, 2004  
24 through the date of his terminated. 4ACCESS terminated POPESCU's employment on January  
25 10, 2007.

26 43. As further alleged herein, such termination in retaliation for the filing by POPESCU of  
27 a claim for recovery of past wages which POPESCU earned but was not paid, despite demand.  
28

1           43.     4ACCESS's termination of POPESCU's employment as alleged herein was a  
2 retaliatory discharge in violation of the fundamental public policy of the State of California.

3           44.     As a direct, foreseeable and proximate result of 4ACCESS's conduct as alleged  
4 herein, POPESCU has lost income and career opportunities, and has suffered other economic  
5 losses in an amount to be determined at time of trial. POPESCU has sought to mitigate such  
6 wage-related damages.

7           45.     As a direct, foreseeable and proximate result of 4ACCESS's conduct as alleged  
8 herein, POPESCU has suffered great anxiety, embarrassment, anger, loss of enjoyment of life,  
9 injury to reputation, and severe emotional distress, in an amount to be determined at time of trial.

10          46.     As a direct, proximate, and legal result of 4ACCESS's wrongful termination of  
11 POPESCU's employment as alleged herein, POPESCU has suffered, continue to suffer, and in the  
12 future will suffer, actual, consequential and incidental damages in an amount according to proof at  
13 trial.

14          47.     The defendants did the acts and things alleged herein deliberately, maliciously,  
15 with intent to injure and oppress POPESCU, and in conscious disregard of the rights of  
16 POPESCU. Moreover, the conduct of the defendants constitutes fraudulent, malicious, oppressive  
17 and/or despicable conduct. POPESCU therefore is entitled to punitive and exemplary damages  
18 against the defendants, and each of them, in an amount sufficient to punish and deter the  
19 defendants, and each of them, according to proof at trial.

20          48.     POPESCU is entitled to an award of attorneys' fees and pre-judgment and post-  
21 judgment interest to the maximum extent permitted by law.

22  
23  
24                   **PRAYER FOR RELIEF**

25           WHEREFORE, POPESCU prays for judgment against 4ACCESS and Does 1 through 10,  
26 inclusive, and each of them as follows:

27           1.     For an award of compensatory damages in an amount of at least \$137,583.16,  
28 according to proof at trial;

1           2.     For an award of punitive and exemplary damages against the defendants in an  
2 amount sufficient to punish and deter the defendants, and each of them, according to proof at trial;

3           3.     For an award of attorneys' fees as alleged herein and to the maximum extent  
4 allowed by law;

5           4.     For an award of prejudgment and post-judgment interest to the maximum extent  
6 allowed by law;

7           5.     For costs of suit incurred herein; and

8           6.     For such other and further relief as the Court may deem just and proper.

9  
10  
11  
12 DATED: January 9, 2008

THE AFFINITY LAW GROUP APC

13  
14 By: \_\_\_\_\_

15 Gregory P. Goonan, Esq.  
16 Attorneys for Plaintiff  
17 VAL POPESCU  
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**EXHIBIT B**

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>	
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY AND ZIP CODE: San Diego, CA 92101	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 685-8149	
PLAINTIFF(S) / PETITIONER(S): Val Popescu	
DEFENDANT(S) / RESPONDENT(S): 4Access Communications Company	
POPESCU VS. 4ACCESS COMMUNICATIONS COMPANY	
<b>NOTICE OF CASE ASSIGNMENT</b>	CASE NUMBER: 37-2008-00075299-CU-WT-CTL

Judge: Linda B. Quinn

Department: C-74

COMPLAINT/PETITION FILED: 01/09/2008

**CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

**COMPLAINTS:** Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

**DEFAULT:** If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 685-6147	<b>FOR COURT USE ONLY</b>          01/19/2008
PLAINTIFF(S): Val Popescu	
DEFENDANT(S): 4Access Communications Company	
<b>VAL POPESCU VS. 4ACCESS COMMUNICATIONS COMPANY</b>	
<b>NOTICE OF CASE REASSIGNMENT</b>	CASE NUMBER: 37-2008-00075299-CU-WT-CTL

Filed : 01/09/2008

**EFFECTIVE IMMEDIATELY, THE ABOVE-ENTITLED CASE HAS BEEN REASSIGNED**

to Judge Judith F. Hayes, in Department C-68  
 due to the following reason: Re-assigned for all purposes due to judicial move

All subsequent documents filed in this case must include the name of the new judge and the department number on the first page immediately below the number of the case. All counsel and self-represented litigants are advised that Division II of the Superior Court Rules is strictly enforced. It is the duty of each plaintiff (and cross-complainant) to serve a copy of this notice with the complaint (and cross-complaint).

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

Central  
330 West Broadway  
San Diego, CA 92101

**SHORT TITLE:** Popescu vs. 4Access Communications Company**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**  
**37-2008-00075299-CU-WT-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the NOTICE OF CASE REASSIGNMENT was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 01/22/2008.

Clerk of the Court, by: \_\_\_\_\_

  
S. Fujikawa

\_\_\_\_\_, Deputy

GREGORY P. GOONAN  
600 W Broadway # Suite 400  
San Diego, CA 92101

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Gregory P. Goonan (SBN 119821) The Affinity Law Group APC 600 West Broadway, Suite 400 San Diego, CA 92101 TELEPHONE NO.: 619-702-4335 FAX NO.: 619-243-0088 ATTORNEY FOR (Name): Plaintiff Val Popescu		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input checked="" type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1501 6TH AVE., SAN DIEGO, CA 92101-3296 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6843 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792			
PLAINTIFF(S) Val Popescu		JUDGE: <u>Hon. Judith F. Hayes</u>	
DEFENDANT(S) 4Access Communications Company		DEPT: <u>68</u>	
IN THE MATTER OF _____ A MINOR		CASE NUMBER 37-2008-00075299-CU-WT-CTL	
PEREMPTORY CHALLENGE (CCP 170.6; Superior Court Rules, Division II, Rule 5.5)			

Gregory P. Goonan \_\_\_\_\_, is ☐ a party ☒ an attorney for a party in the above-entitled case and declares that Judith F. Hayes \_\_\_\_\_, the Judge to whom this case is assigned, is prejudiced against the party or the party's attorney or the interests of the party or the party's attorney such that the said party or parties believe(s) that a fair and impartial trial or hearing cannot be had before such Judge.

WHEREFORE, pursuant to the provisions of §170.6 of the California Code of Civil Procedure, I respectfully request that this Court issue its order reassigning said case to another, and different, Judge for further proceedings.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 1/31/2008

(Signature)

#### ORDER OF THE COURT

☐ GRANTED ☐ DENIED

This case is referred to Presiding/Supervising Department for reassignment and a Notice will be mailed to counsel.

Dated: \_\_\_\_\_

Judge of the Superior Court

#### FOR OFFICE USE ONLY

This case has been reassigned to Judge \_\_\_\_\_ per Presiding/Supervising Judge \_\_\_\_\_ on \_\_\_\_\_.

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 685-6147	<b>FOR COURT USE ONLY</b>
PLAINTIFF(S): Val Popescu	02/08/2008
DEFENDANT(S): 4Access Communications Company	
VAL POPESCU VS. 4ACCESS COMMUNICATIONS COMPANY	
<b>NOTICE OF CASE REASSIGNMENT</b>	CASE NUMBER: 37-2008-00075299-CU-WT-CTL

Filed : 01/09/2008

**EFFECTIVE IMMEDIATELY, THE ABOVE-ENTITLED CASE HAS BEEN REASSIGNED**

to Judge Ronald S. Prager, in Department C-71  
due to the following reason: Peremptory Challenge

All subsequent documents filed in this case must include the name of the new judge and the department number on the first page immediately below the number of the case. All counsel and self-represented litigants are advised that Division II of the Superior Court Rules is strictly enforced. It is the duty of each plaintiff (and cross-complainant) to serve a copy of this notice with the complaint (and cross-complaint).

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

Central  
330 West Broadway  
San Diego, CA 92101

**SHORT TITLE:** Popescu vs. 4Access Communications Company

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**

**37-2008-00075299-CU-WT-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the NOTICE OF CASE REASSIGNMENT was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 02/07/2008.

Clerk of the Court, by: J. Goonan, Deputy

GREGORY P. GOONAN  
600 W Broadway # Suite 400  
San Diego, CA 92101



**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 148992 - SH**

**March 20, 2008  
16:08:38**

**Civ Fil Non-Pris**

USAO #: 08CV0525

Judge.: MARILYN L HUFF

Amount.: \$350.00 CK

Check#: BC6486

**Total-> \$350.00**

FROM: POPESCU V. 4ACCESS COMM CO.

VIA FAX

JS 44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

VAL POPESCU, and individual;

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Gregory P. Goonan (SBN 119821)  
The Affinity law Group APC  
600 West Broadway, Suite 400  
San Diego, CA 92101

## DEFENDANTS

4ACCESS COMMUNICATIONS COMPANY, a Delaware corporation, and DOES 20th February 2008, inclusive,

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Cook, Co., Illinois  
(IN U.S. PLAINTIFF CASES ONLY) DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

## ATTORNEYS (IF KNOWN)

Douglas J. Rovens (SBN 106582)  
Jeffrey S. Renzi (SBN 221963)  
Squire, Sanders & Dempsey L.L.P.  
555 South Flower Street, 31st Floor  
Los Angeles, CA 90071

## II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PT                                    | DEF                        |   | PT                         | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) 28 U.S.C. Sec. 1332 because the amount in controversy exceed \$75,000 and is between citizens of different states.

## V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motion to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions		

## VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

Docket Number

DATE

March 20, 2008

SIGNATURE OF ATTORNEY OF RECORD

148992 SEA 3/20/08 \$350

CR